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PATENT
P57004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DAE-GUNN JEI

Serial No.: 10/731,126

Examiner: PIERRE-LOUIS DESIR

Filed: 10 December 2003

Art Unit: 2681

For: MULTI-PURPOSE HYBRID TERMINAL AND METHOD FOR
PREPARING FAST IMPLEMENTATION OF FUNCTIONS

PETITION UNDER 37 C.F.R. §1.181

Paper No. 4

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions from the incomplete first Office action mailed on
11 August 2005 (Paper No. 20050807), as reasons therefor, states that:

Folio: P56063
Date: 8/19/05
I.D.: REB/kf

**CERTIFICATE OF
FACSIMILE TRANSMISSION**

I hereby certify that, on 19 August 2005,
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Total 6 sheets

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For Robert E. Bushnell
Reg. No. 27,774

STATEMENT OF FACTS

1. On 11 August 2005, a first Office action was issued (Paper No. 20050807). In the PTO-892 form attached to Paper No. 20050807, two (2) U.S. patent publication references were cited.
2. In paragraph 6 of Paper No. 20050807, the Examiner rejected claims 7 through 11 under 35 U.S.C. §103 for alleged unpatentability over “Barnes, JR, Pub.No. US 20050136949”.
3. The Barnes‘949 reference is cited neither in the PTO-892 form attached to Paper No. 20050807 nor the Information Disclosure Statement filed by Applicant on 10 December 2003.

REMARKS

The Barnes‘949 reference is cited neither in the PTO-892 form attached to Paper No. 20050807 nor the Information Disclosure Statement filed by Applicant on 10 December 2003.

This is to say, the Office action mailed on 11 August 2005 (No. 20050807) is incomplete under 37 C.F.R. §1.104 (and *Manual of Patent Examining Procedure* §707.05) in that, the claims 7 through 11 were rejected based upon Barnes‘949 which is not made of record in the application.

Although current Office practice is not to provide copies of U.S. patents or U.S. patent publications with Office communications, and even though Examiner did indicate the patent number of the Barnes‘949 reference that was being relied upon in the Office

action, the Examiner did not list the Barnes'949 reference on the citation of art, that is PTO-892, which accompanied the action. It is submitted, therefore, the Office action mailed on 11 August 2005 (Paper No.20050807) was deficient.

Given that the error was brought to the attention of the Office within one (1) month of the mailing date of the action, in accordance with MPEP §710.06, the time period for response should be reset and restarted with the re-mailing of the Supplemental Notice of references Cited (PTO Form 892).

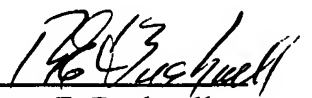
A copy of a Decision on Petition for Serial No. 09/615,652 previously issued by Group Director to grant similar relief requested by Applicant to reset period for reply is attached.

RELIEF REQUESTED

In view of the above, the Commissioner is respectfully requested to direct the Examiner to:

- A. Issue a Supplemental first Office action with a supplemental PTO-892 form citing the Barnes'949 reference;
- B. Re-start the period for response to expire not less than three (3) months from the date on which the Supplemental Office action and supplemental PTO-892 form citing the Barnes'949 reference are provided to Applicant by the Examiner; and
- C. Grant such other and further relief as justice may require.

Respectfully submitted,


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